

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of the Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE SIDE OF THE FORM.)

I.(a) PLAINTIFFS

Trina Spicer, Plaintiff(s)

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF York County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(C) ATTORNEY'S (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Susan B. Ayres, Esquire
Hill & Associates
123 South Broad Street, Suite 1100
Philadelphia, PA 19109

DEFENDANTS**Trump Entertainment Resorts and Trump Plaza, Defendant(s)**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Atlantic County, NJ
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

ATTORNEYS (IF KNOWN)

Marks, O'Neill, O'Brien, Doherty & Kelly, P.C.
1800 JFK Boulevard, Suite 1900
Philadelphia, PA 19103

II. BASIS OF JURISDICTION(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 **U.S. Government** Plaintiff
☐ 2 **U.S. Government** Defendant
- ☐ 3 **Federal Question** (U.S. Government Not a Party)
☒ 4 **Diversity** (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR DIVERSITY CASES ONLY FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | |
|--|---------------------------------------|--|
| Citizen of This State | PTF DEF | PTF DEF |
| <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principle |
| <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Place of Business in this State |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Incorporated and Principle |
| Citizen of Another State | | Place of Business in Another State |
| Citizen or Subject of a Foreign Country | | Foreign Nation |
| | | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| | | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 |
| | | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

2120 Premises Liability - Personal Injury

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgement <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contact Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Liabie & Slander <input type="checkbox"/> 330 Federal Employer's Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med - Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R. R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/ etc. <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Free Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. ORIGIN

- (PLACE AN X IN ONE BOX ONLY)
- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION COMPLAINT: ☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND: ☒ YES ☐ NO**VIII. RELATED CASE(S)**

(SEE INSTRUCTIONS)

IF ANY

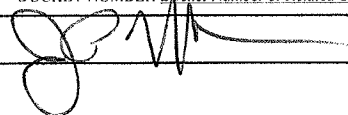
N/A

JUDGE Judge of Related CaseDOCKET NUMBER Docket Number of Related Case

DATE: June 24, 2014

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT



CASE MANAGEMENT TRACK DESIGNATION FORM

•

NO.

•

(Civ. 660) 10/02

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1016 W. King Street, 3rd Floor, York, PA 17401

Address of Defendant: 1000 Boardwalk at Virginia Avenue, Atlantic City, NJ 08401

Place of Accident, Incident or Transaction: Trump Plaza, 1000 Boardwalk at Virginia Avenue, Atlantic City, NJ 08401
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)).

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify) Slip & Fall
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Jamie P. Vaughan, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 6/24/14

[Signature]
Attorney-at-Law

93531

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/24/14

[Signature]
Attorney-at-Law

93531

Attorney I.D.#

CIV. 609 (4/03)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

063-96050

TRINA SPICER

vs.

TRUMP ENTERTAINMENT RESORTS AND
TRUMP PLAZA

CIVIL ACTION

NO.

**NOTICE OF FILING NOTICE OF REMOVAL
TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

TO: Susan B. Ayres, Esquire
Hill & Associates
123 South Broad Street, Suite 1100
Philadelphia, PA 19109

PLEASE TAKE NOTICE that Trump Entertainment Resorts and Trump Plaza, in the matter of Trina Spicer vs. Trump Entertainment Resorts and Trump Plaza, originally pending in the Court of Common Pleas in the County of Philadelphia, Pennsylvania, under July Term 2013, No. 1211, file in the United States District Court for the Eastern District of Pennsylvania, their Notice of Removal of said cause to the Eastern District of Pennsylvania. A copy of the Notice of Removal is attached hereto and served herewith.

**MARKS, O'NEILL, O'BRIEN,
DOHERTY & KELLY, P.C.**

By: JPV3138
Jamie P. Vaughan, Esquire
Attorney I.D. No.: 93531
1800 JFK Boulevard, Suite 1900
Philadelphia, Pa. 19103
215-564-6688
Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

063-96050

TRINA SPICER

vs.

TRUMP ENTERTAINMENT RESORTS AND
TRUMP PLAZA

CIVIL ACTION

NO.

NOTICE OF REMOVAL

AND NOW, Defendants, Trump Entertainment Resorts and Trump Plaza, by and through their attorneys, MARKS, O'NEILL, O'BRIEN, DOHERTY & KELLY, P.C., hereby seek removal of the above-captioned case to this Honorable Court and provide notice of same to counsel representing the Plaintiff. In support of the removal, the Defendants aver as follows:

1. This is an action filed and now pending in the Philadelphia Court of Common Pleas, July Term 2013, No. 1211.
2. This action was initially instituted via Complaint which was filed on July 8, 2013. A copy of Plaintiff's Complaint is attached hereto as Exhibit "A".
3. Plaintiff initially filed this matter in the arbitration program of Philadelphia County, which has a maximum recovery of \$50,000.00 at the non-binding arbitration. As a result, Defendants initially did not have a good faith basis to remove this matter within thirty (30) days in accordance with 28 U.S.C. §1446(b).
4. If the non-binding arbitration is appealed then this matter will proceed to a jury trial with no limit on Plaintiff's potential recovery in this matter.

5. Plaintiff would not agree to limit her potential recovery to \$75,000.00. (See a true and correct copy of the June 18, 2014 email correspondences between counsel, attached hereto as Exhibit “B.”) As a result, this Notice of Removal is being filed within one (1) year after the commencement of the action pursuant to 28 U.S.C. §1446(c)(1).

6. This is a civil suit and involves controversy between citizens of different states. Plaintiff, upon information and belief, was at the time of the commencement of the above action a citizen of the Commonwealth of Pennsylvania.

7. Defendants, Trump Entertainment Resorts and Trump Plaza, are located at 1000 Boardwalk at Virginia Avenue, Atlantic City, NJ 08401, and are New Jersey corporations.

8. Defendants allege and aver upon information and belief that the amount in controversy is in excess of \$75,000.00, exclusive of interests and costs. Further, as stated above, Plaintiff will not agree to limit her damages to \$75,000.00. Plaintiff, who was pregnant at the time of her incident, has alleged injuries to her back as well as alleged complications with her pregnancy/delivery.

9. The above-described Civil Action is one in which this Honorable Court has original jurisdiction pursuant to Title 28 United States Code Section 1332 based upon the fact that there exists diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.00, exclusive of interests and costs, and is accordingly one which may be removed to this Honorable Court by Notice pursuant to Title 28, United States Code, Section 1441.

10. Promptly after filing this Notice of Removal in this Honorable Court, a copy of this Notice of Removal will be filed with the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, in accordance with 28 United States Code, Section 1446(d).

11. Copies of all process, pleadings and order served upon defendants as of the time of this removal are attached hereto in accordance with 28 United States Code, Section 1446(a). (See Plaintiff’s Reply to New Matter of Defendant, attached hereto as Exhibit “C”.)

12. Defendants have contemporaneously with the filing of this Notice of Removal given written notice to Plaintiff's counsel.

WHEREFORE, Defendants respectfully request that this action, currently docketed in the Court of Common Pleas of Philadelphia County be removed to the United States District Court for the Eastern District of Pennsylvania.

**MARKS, O'NEILL, O'BRIEN.
DOHERTY & KELLY, P.C.**

By: JPV3138
Jamie P. Vaughan, Esquire
Attorney I.D. No.: 93531
1800 JFK Boulevard, Suite 1900
Philadelphia, Pa. 19103
215-564-6688
Attorney for Defendant

COMMONWEALTH OF PENNSYLVANIA

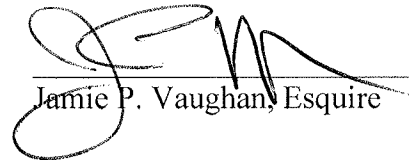
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SS

COUNTY OF PHILADELPHIA

AFFIDAVIT

Jamie P. Vaughan, Esquire being duly sworn according to law deposes and says that the facts set forth in the foregoing Notice of Removal are true and correct to the best of his knowledge, information and belief.

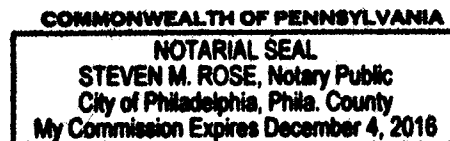


Jamie P. Vaughan, Esquire

Sworn to and Subscribed
before me this 24 day of
JUNE, 2014.



Notary Public



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

063-96050

TRINA SPICER

vs.

TRUMP ENTERTAINMENT RESORTS AND
TRUMP PLAZA

CIVIL ACTION

NO.

DISCLOSURE STATEMENT FORM

Please check one box:

- ☒ The nongovernmental corporate party, Trump Plaza and Trump Entertainment Resorts in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.
- ☐ The nongovernmental corporate party, _____, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

June 24, 2014

Date

/s/Jamie P. Vaughan

Signature

Counsel for: Trump Entertainment Resorts and Trump Plaza

Federal Rule of Civil Procedure 7.1 Disclosure Statement

- (a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file Two copies of a disclosure statement that:
- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
 - (2) states that there is no such corporation.
- (b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:
- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
 - (2) promptly file a supplemental statement if any required information changes.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

063-96050

TRINA SPICER

vs.

TRUMP ENTERTAINMENT RESORTS AND
TRUMP PLAZA

CIVIL ACTION

NO.

CERTIFICATE OF SERVICE

I hereby certify that this 24th day of **June 2014**, a true and correct copy of the Defendants' Notice to Remove was served on all parties of record by electronic filing and/or first class mail, postage prepaid.

**MARKS, O'NEILL, O'BRIEN,
DOHERTY & KELLY, P.C.**

By: JPV3138
Jamie P. Vaughan, Esquire
Attorney for Defendant
1800 JFK Boulevard, Suite 1900
Philadelphia, Pa. 19103
215-564-6688

EXHIBIT A

USTED ESTA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:15 AM - 03/25/2014

You must still comply with the notice below. USTED TODAVIA DEBE CUPLIR CON EL AVISO PARA DEFENDERSE.

This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties.

There is no right to a trial denovo on appeal from a decision entered by a Judge.

HILL & ASSOCIATES

BY: LEONARD K. HILL

Identification No. 81849

Suite 1100, 123 S. Broad Street

Philadelphia, PA 19109

(215) 567-7600

THIS IS AN ARBITRATION MATTER

Attorney for Plaintiff

Filed and Attested by
PROTHONOTARY
08 JUL 2013 03:52 pm
J. OSTROWSKI

Trina Spicer

1016 W. King Street, Third Floor

York, PA 17402

Plaintiff

vs.

Trump Entertainment Resorts

1000 Boardwalk at Virginia Avenue

Atlantic City, NJ 08401

Trump Plaza, a/k/a, Trump Plaza

Associates, LLC, a/k/a Trump Plaza

Hotel & Casino, a/k/a Trump Plaza Hotel,

a/k/a Trump Plaza Associates, a/k/a

Trump Plaza Holding, Inc.

The Boardwalk and Mississippi Avenue

Atlantic City, NJ 08401

Defendants

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

CIVIL TRIAL DIVISION

Term,

NO.

CIVIL ACTION-COMPLAINT-SLIP & FALL NEGLIGENCE-PREMISES LIABILITY 2S

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Philadelphia Bar Association
Lawyer Referral and Information
One Reading Center
Philadelphia, PA 19107
(215) 238-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SINO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociacion De Licenciado De Filadelfia
One reading Center
Philadelphia, PA 19107
Telefono: (215) 238-1701

Case ID: 130701211

HILL & ASSOCIATES
BY: LEONARD K. HILL
Identification No. 81849
Suite 1100, 123 S. Broad Street
Philadelphia, PA 19102
(215) 567-7600

Attorney for Plaintiff

Trina Spicer	:	COURT OF COMMON PLEAS
Plaintiff	:	PHILADELPHIA COUNTY
	:	CIVIL TRIAL DIVISION
vs.	:	
	:	Term,
Trump Entertainment Resorts, et al.	:	NO.
Defendants	:	

CIVIL ACTION-COMPLAINT-SLIP & FALL
NEGLIGENCE-PREMISES LIABILITY 2S

GENERAL AVERMENTS

1. Plaintiff, Trina Spicer, is an individual citizen and resident of the Commonwealth of Pennsylvania, residing at the address shown in the caption.
2. Defendant, Trump Entertainment Resorts, upon information and belief, is a corporation or other business entity which does business in the Commonwealth of Pennsylvania and in New Jersey and has a business address of 1000 Boardwalk at Virginia Avenue, Atlantic City, NJ 08401.
3. Upon information and belief, Defendant, Trump Entertainment Resorts, owned, leased, managed, repaired, maintained, possessed and/or otherwise controlled the subject premises and hotel room where the Plaintiff was injured, as more fully discussed below.
4. Defendants, Trump Plaza, a/k/a Trump Plaza Associates, LLC, a/k/a Trump Plaza Hotel and Casino, a/k/a Trump Plaza Hotel, a/k/a Trump Plaza Associates, a/k/a Trump Plaza Holding, Inc., (hereby referred to as "Trump Plaza") upon further information and belief is a corporation, other business entity, which does business in the

Commonwealth of Pennsylvania and in New Jersey and has a business address of the Boardwalk and Virginia Avenue, Atlantic City, NJ 08401 in Atlantic City, New Jersey.

5. Upon information and belief, Defendant, Trump Plaza, owned, leased, managed, repaired, maintained, possessed, or otherwise controlled the subject premises and hotel room where Plaintiff was injured, as more fully discussed below.

6. On or about May 12, 2012, Plaintiff was in a hotel room at Defendants' premises when she suddenly and unexpectedly slipped and fell due to a dangerous and/or defective condition in the room, namely, a wet floor due to water coming from a leak in the room. Plaintiff, who was several months pregnant at the time, sustained serious and permanent injuries including complications with her pregnancy and delivery, and ongoing lower back pain.

COUNT I
Trina Spicer VS. Defendants
NEGLIGENCE

7. Plaintiff, Trina Spicer, hereby incorporates by reference hereto, the above paragraphs, inclusively, as if the same were fully set forth herein at length.

8. The aforementioned incident was caused solely by the negligence of Defendants in failing to properly maintain their premises which negligence consisted of the following:

- (a) failing to properly inspect, discover and remedy the defective condition which existed in the hotel room, which the Defendant knew or reasonably should have known existed prior to the time of Plaintiff's fall;
- (b) failing to warn members of the general public of the dangerous conditions which existed;
- (c) allowing a dangerous and hazardous condition to exist on subject premises.

9. At all times mentioned herein, Plaintiff Trina Spicer acted with due care

and was not contributorily negligent.

10. As a result of the aforementioned incident, Plaintiff was caused to sustain serious and permanent injuries including but not limited to injuries to: early labor and pregnancy complications, and low back pain and discomfort.

11. As a result of the aforementioned incident and resulting injuries, Plaintiff Trina Spicer has been caused to expend various sums of money for medicine and medical attention for treatment and/or cure of these injuries and to have essential services performed during the duration of the physical impairment, all to her great financial detriment and loss and expects to pay additional sums of money for medicine and medical attention in the future all to Plaintiff's great financial detriment and loss.

12. As a further result of the aforementioned incident and resulting injuries, Plaintiff Trina Spicer may have been prevented from attending to usual and customary duties, vocation and occupations, thereby sustaining a loss of earnings and/or earning capacity, all to great financial detriment and loss.

Wherefore, Plaintiff, Trina Spicer, hereby demands judgment against Defendants, Trump Entertainment Resorts and Trump Plaza, in an amount not in excess of Fifty Thousand (\$50,000) Dollars.



LEONARD K. HILL, ESQUIRE
Attorney for Plaintiff

Date:

7/8/13

VERIFICATION

The undersigned states that he/she is the plaintiff herein and verifies that the statements made in the foregoing Complaint-Civil Action is true and correct to the best of his/her knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

DATED: 6/3/13, 2011

Signature



Print Name

TRINA SPICER

EXHIBIT B

Vaughan, Jamie P.

From: Susan Ayres <sue@hilljustice.com>
Sent: Friday, June 20, 2014 11:02 AM
To: Vaughan, Jamie P.
Subject: Re: Spicer

No one knows the potential value of the case until a jury comes back with the verdict

Sent from my iPhone

On Jun 20, 2014, at 10:38 AM, "Vaughan, Jamie P." <JV Vaughan@moodklaw.com> wrote:

Sue

While I do appreciate the careful wording of your email and that your demand is \$50,000 for settlement purposes, my client is looking to make a decision shortly regarding removing this case to Federal Court. Simply stated, you can certainly advise as to whether or not the potential value of this case exceeds \$75,000. If you believe the value of this case does not exceed \$75,000, then we can remain in state court and you can execute the stipulation. With all due respect, if you trying evade this issue and prevent us from potentially removing this case to Federal Court, this could certainly lead to appealable issues.

Jamie

From: Susan Ayres [<mailto:sue@hilljustice.com>]
Sent: Wednesday, June 18, 2014 9:05 AM
To: Vaughan, Jamie P.
Subject: RE: Spicer

As you noted, this was filed as an arb case. Likewise, I believe I gave you a settlement demand of \$50k. Therefore, the case is not removable. I am not, however, going to "stipulate to a maximum recovery". If the case is arbitrated and appealed and later tried and a jury later finds her damages to exceed \$75k, so be it.

Susan Ayres | Attorney
P. (215) 567-7600
F. (215) 525-4311
E. sue@hilljustice.com
<http://www.hilljustice.com>

<image002.gif>Hill & Associates P.C.
123 S. Broad Street, Suite 1100
Philadelphia, PA 19109

Confidentiality Notice.

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From: Vaughan, Jamie P. [<mailto:JV Vaughan@moodklaw.com>]
Sent: Wednesday, June 18, 2014 8:44 AM

To: Susan Ayres

Subject: Spicer

Sue

Hope all is well. Please advise if your client would be willing to stipulate to a maximum recovery of \$75k in this case.

Thank you

Jamie

Jamie P. Vaughan

Attorney at Law

Marks, O'Neill, O'Brien, Doherty & Kelly, P.C.

Suite 1900

1800 John F. Kennedy Boulevard

Philadelphia, PA 19103

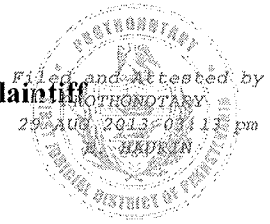
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EXHIBIT C

HILL & ASSOCIATES
BY: SUSAN B. AYRES, ESQUIRE
Identification No. 87562
Suite 1100, 123 S. Broad Street
Philadelphia, PA 19109
(215) 567-7600

Attorney for Plaintiff



Trina Spicer	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
Plaintiff	:	CIVIL TRIAL DIVISION
	:	
vs.	:	
	:	July Term, 2013
Trump Entertainment Resorts, et al.	:	NO. 1211
Defendants	:	


PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT

13-22 Denied. All factual allegations, if any, stated by defendant are hereby denied.

Furthermore, defendants are stating conclusions of law to which no response is mandated pursuant to the Pennsylvania Rules of Civil Procedure. Wherefore, this allegation is denied in its entirety and strict proof thereof is demanded at time of trial.

WHEREFORE, Plaintiff requests judgment in her favor and against the Defendants for the damages and costs of suit as stated in Plaintiff's Complaint.

HILL & ASSOCIATES, P.C.

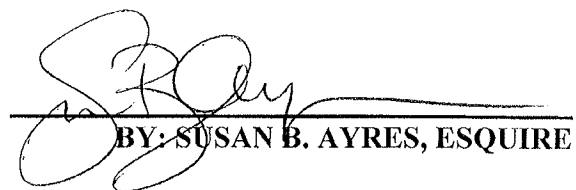
 8-29-13
BY: SUSAN B. AYRES, ESQUIRE

Certificate of Service

I, Susan B. Ayres, Esquire, hereby certify that a true and correct copy of Plaintiff's Reply to New Matter served by sending via E-filing to counsel listed below on this 28TH Day of August, 2013.

Jaime Vaughan, Esquire
MARKS, O'NEILL, O'BRIEN, DOHERTY & KELLY, P.C.
1800 JFK Blvd., 19th Floor
Philadelphia, PA 19103

HILL & ASSOCIATES, P.C.



BY: SUSAN B. AYRES, ESQUIRE